

E-FILED

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Lucia HUERTA-Hernandez

CRIMINAL COMPLAINT

08 70036

HRL

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, January 16, 2008, in Santa Cruz County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following
Official Title
 facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, two years imprisonment, a \$100.00 special assessment fee and a Term of Supervised Release of one year.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: _____

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

1/24/08

Date

at

San Jose, California

City and State

Howard R. Lloyd
 UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Lucia HUERTA-Hernandez

A92 671 606

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Lucia HUERTA-Hernandez, is a 45-year-old single female, citizen and native of Mexico, born on December 15, 1952, in Zicuiran, Michoacan, Mexico, which is substantiated a copy of her original birth certificate. Additionally, on July 28, 2003, the DEFENDANT admitted to her nationality in a sworn statement to U.S. Border Patrol Officials at the Imperial Beach Station. Further, on January 16, 2008, the DEFENDANT made multiple statements to that effect in an interview that was initiated at the Santa Cruz County Jail, when interviewed by ICE Immigration Enforcement Agent (IEA) Andrew Tayaba of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A92 671 606, FBI number of 613091EA2, and California Criminal State ID Number of A08077032;
- (3) On September 27, 1994, the DEFENDANT was convicted in the Superior Court of California/County of Santa Cruz, for the offense of: OBSTRUCTION/RESISTING A PUBLIC OFFICER, a misdemeanor, in violation of California Penal Code Section 148 and sentenced to 30 days in jail;
- (4) On December 14, 2000, the DEFENDANT was determined to be unlawfully present in the United States by the Immigration Judge, Immigration Court San Diego, California and ordered deported from the United States to Mexico;
- (5) On May 2, 2001, the DEFENDANT was convicted in the United States District Court/Southern District of California, for the offense of: ILLEGAL REENTRY INTO THE UNITED STATES, a felony, in violation of Title 8 USC Section 1326 and sentenced to 60 days in federal prison;
- (6) On July 5, 2001, the DEFENDANT was determined to be unlawfully present in the United States by the INS District Director San Diego, California and ordered deported from the United States to Mexico;
- (7) On July 30, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the DRO/ICE Field Director San Diego, California and ordered deported from the United States to Mexico;

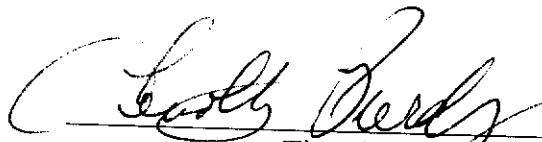
RE: Lucia HUERTA-Hernandez

A92 671 606

- (8) On November 28, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the DRO/ICE Field Director San Diego, California and ordered deported from the United States to Mexico;
- (9) On January 10, 2008, DEFENDANT was convicted in the Superior Court of California/County of Santa Cruz, for the offenses of: VANDALISM, a misdemeanor, in violation of California Penal Code Section 594(A)(2) and DISORDERLY CONDUCT, a misdemeanor, in violation of California Penal Code Section 166(C)(1), for which the DEFENDANT was given time-served and placed on an Order of Release;
- (10) On, January 16, 2008, the DEFENDANT was encountered by IEA Andrew Tayaba in Santa Cruz County, and determined to be unlawfully present in the United States after a prior deportation. IEA Andrew Tayaba then advised the Defendant her **Miranda** rights in the Spanish language. The DEFENDANT waived her **Miranda** rights and provided a written sworn statement attesting to her alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (11) On January 16, 2008, the DEFENDANT provided her right thumb and right index fingers with her sworn statement. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with the Lucia HUERTA-Hernandez fingerprint on the executed Warrants of Deportation and her Santa Clara County Booking Prints. The latent print examiner determined that the fingerprints that were examined were identical and related to the DEFENDANT {Lucia HUERTA-Hernandez}.
- (12) The DEFENDANT is currently in custody at Santa Clara County Jail (Elmwood Campus), San Jose, California, with a pending release date.
- (13) The DEFENDANT'S official A-File does not contain any record or indication that she either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (14) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.

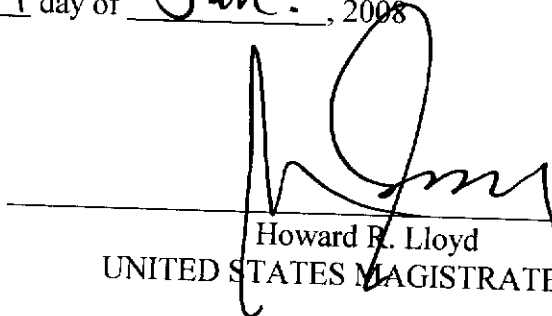
RE: Lucia HUERTA-Hernandez

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Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24 day of Jan., 2008



Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE